

MB**MANDEL BHANDARI LLP**

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April 18, 2025

By ECF

The Honorable Kenneth M. Karas
 United States District Court
 Southern District of New York
 300 Quarropas Street
 White Plains, New York 10604-4150

Re: Re: Sperling v. Nuvance Health Medical Practice, P.C., 23 Civ. 9434 (KMK)

Dear Judge Karas:

We represent Plaintiff Jason Sperling in the above-captioned action against Defendant Nuvance Health Medical Practice, P.C. ("Nuvance"). We write to seek provisional leave to file under seal certain documents submitted in connection with Plaintiff's Opposition to Defendant's Motion for Summary Judgment.

Plaintiff seeks to file under seal certain exhibits to the Declarations of Jason Sperling and Robert Glunt in Opposition to Defendant's Summary Judgment. The relevant exhibits are as follows:

PX	Date	Description	Bates Number
2	05/03/2021	Nuvance Medical Staff Professionalism Manual	Defendant 025351
7	02/19/2021	Email sent by Kerry Eaton	Defendant 024680
8	03/20/2021	Email sent by Mark Warshofsky	Defendant 001378
9	11/13/2019	Email sent by William Begg	Defendant 026570
10	04/13/2023	Email sent by Susan Browning	Defendant 021107
12	01/01/2023	NY DOH Adult Cardiac Surgery Report for 2017-2019	Defendant 024275

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PX	Date	Description	Bates Number
16	09/20/2020	Email sent by Kelli Stock	Defendant 005553
19	N/A	CV of Jason Sperling	Defendant 000001
20	01/01/2022	Nuvance Corrective Action Plan	Defendant 000143
21	02/11/2022	Email from LaToya Anson	Defendant 028785
29	09/04/2023	Email from Jason Sperling	Defendant 000106
32	10/03/2022	Email from LaToya Anson	Defendant 029395
33	10/04/2022	Email from Eileen Miller	Defendant 005733
36	02/28/2021	Text Messages between Jason Sperling and Mark Warshofsky	Defendant 030047
38	06/10/2021	Email from Kelli Stock	Defendant 000925
39	06/10/2021	Email from Arie Blitz	Defendant 020641
40	10/13/2021	Email from Kelli Stock	Defendant 019381
46	08/17/2017	Sperling Employment Agreement	Defendant 000012
49	12/15/2023	Nuvance Whistleblower Protection Policy	Defendant 000121
51	10/03/2022	Email from Jason Sperling	Defendant 000702
58	03/07/2022	Nuvance ECMO Memo	Defendant 001102
59	08/12/2020	Email from William Begg	Defendant 000935

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PX	Date	Description	Bates Number
63	06/16/2021	Email from Arie Blitz	Defendant 020705
71	06/16/2021	Email from Kelly Peter	Defendant 020702
72	11/02/2021	Handwritten Notes	Defendant 000697
73	11/02/2021	Email from Jason Sperling	Defendant 000701
77	10/03/2022	Email from Jason Sperling	Defendant 000702
78	10/07/2022	Email from Jason Sperling	SPERLING-000105
81	06/16/2021	Email from Kerry Eaton	Defendant 020699
93	01/29/2021	Email from Jason Sperling	Defendant 005265
100	09/25/2024	Deposition of Dr. William Begg	N/A
101	11/25/2024	Deposition of Kerry Eaton	N/A
102	10/17/2024	Deposition of Peter Kelly	N/A
103	10/10/2024	Deposition of Dr. Abeel Mangi	N/A
104	10/18/2024	Deposition of Tracy Melina	N/A
105	10/01/2024	Deposition of Eileen Miller	N/A
106	10/15/2024	Deposition of Dr. John Murphy	N/A
108	10/02/2024	Deposition of Kelli Stock	N/A

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PX	Date	Description	Bates Number
109	10/11/2024	Deposition of Dr. Mark Warshofsky	N/A

Each of the written documents was produced by the Defendant in this action and designated by Defendant as confidential under the protective order in this action. ECF 24. Each of the depositions was designated confidential by Defendant. Plaintiff does not believe that these documents merit sealing protection under the *Lugosch* standard, but asks that they be provisionally admitted under seal to afford Defendant the opportunity to request that they not be publicly filed.

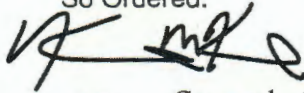
To the extent that the Court directs that any documents be publicly filed, Plaintiff will immediately comply. To the extent that the Court desires more information or argument Plaintiff respectfully requests it be given the opportunity to present it. The application to provisionally seal the materials listed herein is granted. However, Defendant is explain why each document should remain under seal (or not be redacted) in a letter due 5/5/25.

Respectfully submitted,

/s/ Robert Glunt

Robert Glunt

So Ordered.

 4/21/25
cc: Counsel of Record
(via ECF)